

THE SECTIONS OF THE STATE BAR OF CALIFORNIA PRESENT



**2** Full-Day,  
Stand-Alone  
*Deposition*  
*Cross-Examination*  
Seminars

***GREAT! ADVERSE DEPOSITIONS:  
Principles & Principal Techniques***

***AND***

***THE 25 CREDIBILITY ARGUMENTS  
FOR DEPOSITION & TRIAL***

Each Seminar Offers 6.5 Hours of MCLE Credit

Offered in **6** Different Locations!

Sacramento | San Francisco | Los Angeles | San Bernardino | San Diego | Fresno

## NOVEMBER SEMINAR

# ***GREAT! ADVERSE DEPOSITIONS:*** **Principles & Principal Techniques**

High-quality adverse depositions require the conscious and conscientious application of the integrated set of logical cross-examination rules. This seminar wastes no time on entry-level “wisdom,” code chatter, idiosyncratic war stories, or tired maxims. Instead, it teaches how to take adverse depositions as never before ... the one, right, logical way ... as an intellectually rigorous discipline.

### 8:00 a.m. Program Registration

#### 8:30 - 10:00 a.m.

- Case theory’s strategic vision defined
- Case theory tactically implemented pre-trial
- Deposition’s impact on case outcome
- *Battleships*: the checklist of recurring questions for recurring issues
- From rookie to master of *Battleships*
- Deposition cross-examination: an intellectually rigorous discipline
- Participants’ set of universal deposition cross-examination rules
- Brilliant litigators ... yet so many mediocre adverse depositions
- *Grand Unified Theory* (the G.U.T.) of civil litigation

- Three requirements for great trial cross-examinations
- *Whack!* Defined and demonstrated
- Five deposition advantages to savor or squander
- Introduction of *The Magnificent Seven*
- When to ask leading questions in deposition

#### 10:00 - 10:10 a.m. Break

#### 10:10 - 11:20 a.m.

- Efficiency and psychology exceptions to the leading question rule
- When the truth is not nearly enough
- Bluffing deponent into an admission
- Deponent’s escapes from a leading question
- Use of rhetoric in depositions
- Maximizing the lie

## DECEMBER SEMINAR

# ***THE 25 CREDIBILITY ARGUMENTS*** **FOR DEPOSITION & TRIAL**

Trial is argument. Deposition is trial. Deposition is argument. Thus, there are no “discovery” depositions: **all** depositions are trial depositions. In **every** adverse deposition, cross-examiner’s goal is to craft credibility arguments that settle cases or win trials. This seminar provides analysis of the most-difficult-to-master credibility arguments: *The Un-Reasonables*, which are crucial to the execution of great adverse depositions or great trial cross-examinations.

### 8:00 a.m. Program Registration

#### 8:30 - 10:00 a.m.

- Primer re *The Magnificent Seven*
- Five arguments in perspective: question-dodging, characterizations, values, external source, and inconsistent statements
- World-famous cross-examination introduced
- Axiom supporting *The Un-Reasonables*: the toughest-to-craft arguments

#### 10:00 - 10:10 a.m. Break

#### 10:10 - 11:20 p.m.

- Witness’s action not reasonably consistent with knowledge/motivation
- Witness unreasonably deviated from a practice
- Witness unreasonably deviated from a precedent

#### 11:20 - 11:30 p.m. Break

#### 11:30 a.m. - 12:30 p.m.

- Witness not reasonably knowledgeable
- Witness not reasonably considering

#### 12:30 - 1:30 p.m. Lunch On Own

- Reasoning questions
- Fire-walling introduced
- Interrogatory-like questions

**11:20 - 11:30 a.m. Break**

**11:30 a.m. - 12:30 p.m.**

- Universal language and the *limbo bar*
- A famous cross-examination analyzed
- Enumeration
- Looping good and bad answers
- Making the implied express: using lexicography

**12:30 - 1:30 p.m. Lunch On Own**

**1:30 - 2:50 p.m.**

- Making the implied express: using logic
- The *transfer of information* rule and the one and only *stupid* deposition question

- Attacking the narrow question & question-dodging with high school grammar
- Attacking the 2-answers-1-question response

**2:50 - 3:00 p.m. Break**

**3:00 - 4:30 p.m.**

- Attacking the *needle and the haystack* answer
- The *sacred* orthodoxy: saving impeachment for trial, the rationale
- The universe of escapes from the lie impeachment
- The *whole nine yards* question
- Conducting interviews vs. taking adverse depositions (and a test)
- Coda

**4:30 pm. Adjourn**

## NOVEMBER SEMINAR DATES:

### GREAT! ADVERSE DEPOSITIONS: Principles & Principal Techniques

Sacramento	San Francisco	Los Angeles	San Bernardino	San Diego	Fresno
Monday, November 13	Tuesday, November 14	Wednesday, November 15	Thursday, November 16	Friday, November 17	Monday, November 20

**1:30 - 2:50 p.m.**

- Witness not reasonably reasoning
- Witness not reasonably motivated
- Witness not reasonably emotional

**2:50 - 3:00 p.m. Break**

**3:00 - 4:30 p.m.**

- Witness's admission necessity posing as virtue
- Witness's memory unreasonably poor
- Witness's memory unreasonably good

**4:30 pm. Adjourn**

## DECEMBER SEMINAR DATES:

### THE 25 CREDIBILITY ARGUMENTS FOR DEPOSITION & TRIAL

Sacramento	San Francisco	Los Angeles	San Bernardino	San Diego	Fresno
Monday, December 11	Tuesday, December 12	Wednesday, December 13	Thursday, December 14	Friday, December 15	Monday, December 18

# NOVEMBER & DECEMBER PROGRAM LOCATIONS:

Sacramento	San Francisco	Los Angeles	San Bernardino	San Diego	Fresno
The Radisson Hotel 500 Leisure Lane, Sacramento	State Bar of California Office 180 Howard St., San Francisco	The Sheraton Los Angeles Downtown 711 S. Hope Street, Los Angeles	The Hilton San Bernardino, 285 East Hospitality Lane, San Bernardino	Manchester Grand Hyatt One Market Place, San Diego	Piccadilly Inn - Shaw, 2305 West Shaw Ave., Fresno

## DEPOSITION CROSS-EXAMINATION SEMINARS

# REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Firm: \_\_\_\_\_

Firm Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ (Required for e-mail confirmation)

### REGISTRATION FEES (check the appropriate box)

#### ONE PROGRAM

- ☐ \$275 Pre-registrants
- ☐ \$250 New Lawyers (admitted after 12/2003)
- ☐ \$295 On-site Registration (on a space available basis)

#### BOTH PROGRAMS

- ☐ \$495 Pre-registrants
- ☐ \$450 New Lawyers (admitted after 12/2003)

#### November Seminar

***GREAT! ADVERSE DEPOSITIONS:  
Principles & Principal Techniques***

#### Choose Your Location:

_____ Sacramento	November 13
_____ San Francisco	November 14
_____ Los Angeles	November 15
_____ San Bernardino	November 16
_____ San Diego	November 17
_____ Fresno	November 20

#### December Seminar

***THE 25 CREDIBILITY ARGUMENTS  
FOR DEPOSITION & TRIAL***

#### Choose Your Location:

_____ Sacramento	December 11
_____ San Francisco	December 12
_____ Los Angeles	December 13
_____ San Bernardino	December 14
_____ San Diego	December 15
_____ Fresno	December 18

### Credit Card Information (VISA/MasterCard Only)

I authorize the State Bar of California to charge my program registration to VISA/MasterCard account. (No other credit card will be accepted.)

Account Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Cardholder's Name: \_\_\_\_\_ Cardholder's Signature: \_\_\_\_\_

**DEADLINE:** In order to pre-register, your form and check, payable to the **State Bar of California**, or credit card information, must be received five working days before the program.

**REGISTER ONLINE:** [www.calbar.ca.gov/sections](http://www.calbar.ca.gov/sections)

**MAIL TO:** Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105

**FAX TO:** Program Registrations at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. (**Photocopies of checks will NOT be accepted.**)

**CANCELLATIONS/REFUND POLICY:** Cancellations and requests for refunds must be received in writing no later than 5 days prior to the program and are subject to a \$25 service charge.

*The State Bar of California is an approved MCLE provider.*



# ABOUT THE INSTRUCTOR

## Robert Musante, Esq.

California lawyer Robert Musante is the nation's foremost teacher of deposition cross-examination skills. As a lecturer in trial advocacy at the University of California, Boalt Hall from 1984 to 1999, and as the creator of four unique and highly entertaining seminars, he has taught the science and art of taking *Great!* depositions to more than 25,000 litigators in 39 states and 11 state attorneys-general offices, including California and New York. Musante is a former prosecutor, an accomplished civil trial attorney, former police officer and has appeared on national television, and radio.

### A partial list of his law firm clients include:

- Arnold & Porter
- Buchanan Ingersoll
- Day, Casebeer, Madrid & Batchelder
- Dorsey & Whitney
- Hancock Rothert & Bunshoft
- Howard, Rice, Nemerovsky, et al.
- Kazan McClain, et al.
- Krieg, Keller, Sloan, et al.
- McCormick & Barstow
- McNamara, Dodge, Ney, et al.
- Minyard & Morris
- Nixon Peabody
- Nossaman, Guthner, Knox & Elliott
- O'Melveny & Myers
- Perkins Coie
- Seyfarth Shaw
- Shook, Hardy & Bacon
- Vinson & Elkins
- Wilson, Sonsini, Goodrich & Rosati

## What Your California Colleagues Have Said About These Seminars:

Musante's course revitalizes, synthesizes and energizes the art of taking depositions. This course is a must ... no matter your experience level.

*Browning Marean, DLA Piper Rudnick Gray, Cary,*

Excellent seminar—an analytical approach to something that is very difficult to develop skill in. Musante is outstanding—dynamic and passionate. Compared to other like seminars, this one is more thought provoking. It challenges long held assumptions.

*Bruce Kilday, Angelo, Kilday & Kilduff*

Will give me tools to master for the rest of my litigation years. Musante captures the audience with his zeal, PowerPoint and video techniques.

*Sue Ann VanDermeyden, Hanson Bridgett, Marcus Vlahos & Rudy*

Musante is fantastic! The high-powered presentation will radically change your deposition practice for the better ... forever. Even the most seasoned litigator will come away humbled.

*Ken Payson, Heller Ehrman White & McAuliffe*

Excellent—lots of good examples, illustrations, real world applications. Musante teaches to all senses—sight, sound, using humor and emphasis. Good at keeping interest; keeps pace. Great techniques, greater depth in analyzing situations, motivations, and language nuances.

*Judy Lam, Alschuler, Grossman, Stein & Kahan*

This seminar makes depositions fun again. I'm looking forward to my next depo!

*Ken O'Rourke, O'Melveny & Myers LLP*

## THE SECTIONS OF THE STATE BAR OF CALIFORNIA PRESENT



# 2 Full-Day, Stand-Alone *Deposition Cross-Examination* Seminars

**DEPOSITIONS ARE “MONEY.”** Far more than any other litigation skill, it is the quality of the depositions that determines case outcome, settlement or trial.

**LEARN** dozens of integrated, logical rules that constitute the discipline of deposition cross-examination. Through the lively and extensive use of video clips from several high profile cases, you will learn the very best method by which to successfully attack the hostile witness, particularly in deposition.

**EACH SEMINAR WILL** dramatically improve your litigation skills, whether you’ve taken only a few or even hundreds of depositions. While they are stand-alone seminars, taken together, they provide the **best-ever** analysis regarding the most crucial of all pre-trial advocacy skills: the deposition-attack of adverse witnesses.